

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

ANTHONY M. CIALLELLA and)	Case Number 05-32864/JKF
DEBRA R. CIALLELLIA,)	Related to Document No. 56
Debtors,)	Chapter 13

ORDER DENYING MOTION FOR UNCLAIMED FUNDS

Generally, funds deposited for the benefit of a creditor cannot be refunded to a debtor because such funds are presumed to be property of and owned by the specific creditor until shown otherwise. Although 28 U.S.C. §2042 allows for distribution of funds held by the Court to a claimant entitled to such money on petition to the Court, notice must first be given to the United States Attorney and *full proof of the right thereto* shown in the *Motion*. Here, the *Motion* lacks reference to any documentary proof of entitlement, or other proof that the claimed funds are property of the Debtor, and alternatively, what, if any, portion of the funds are owned by *American General Life Ins Co.* and failure to file the request for unclaimed funds in a motion format,

AND NOW, this 29th day of *July, 2011*, upon consideration of the Debtor's *Motion for Payment of Unclaimed Funds "Motion"* (filed in the form of a letter dated *July 22, 2011*), filed at Document Number 56, for the above reasons, it is hereby **ORDERED** that the *Motion* is **DENIED**, without prejudice.


Judith K. Fitzgerald cgt
U.S. Bankruptcy Judge

Case Administrator to mail to: Ronda Winnecour, Esq., Debtor and Counsel for the Debtor